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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,554	02/03/2000	Cory Attra	03150-P0001A	7650
7590	11/18/2003		EXAMINER	
Wesley W Whitmyer Jr St. Onge Steward Johnston & Reens LLC 986 Bedford Street Stamford, CT 06905-5619			VIG, NAresh	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/497,554	ATTR A ET AL.	
	Examiner	Art Unit	
	Naresh Vig	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 June 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in reference to the response received on June 16, 2003 to the office action mailed on 04 December 2002. There are 26 claims, claims 1 – 26 pending for examination.

Response to Arguments

In response to applicant's argument that neither CollectiveDesigns nor APmatics teach software for creating home plan. APmatics discloses that it makes available readily downloadable and custom, made-to-order CAD command and drawing management applications [page 1].

In response to applicant's argument the neither CollectiveDesigns nor APmatics teach modified home plan based upon received responses or requests from users. CollectiveDesign teaches that for a small fee you can add a room, change the exterior design, add more or less square foot, etc. If you are interested in making a revision to a particular plan, just send us your modifications via e-mail, and, no home plans were created or modified in response to user's inputted information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to automate the customer changes inputted directly into the to minimize duplication of effort to

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generate modified designs. (customer creating a change, and CollectiveDesign manually implementing changes). See **In re Venner**, 262 F.2d 91, 120 USPQ 192 (CCPA 1958).

In response to applicant's argument that neither CollectiveDesign nor APmatics perform work package calculations, CollectiveDesign discloses to provide Materials List [page 23].

In response to applicant's argument that CollectiveDesign does not do any calculation. However, CollectiveDesign discloses to provide Materials List [page 23]. It would have been obvious to one of ordinary skill in the art at the time the invention was made that CollectiveDesign performs calculations to generate Materials List.

In response to applicant's argument that lowery requires intervention but not in applicant's invention. It would have been obvious to one of ordinary skill in the art at the time the invention was made to automate data input to minimize duplication of effort to generate modified designs. (contractor calling in to the project manager to give status, and, project manager updating the information in project management system). See **In re Venner**, 262 F.2d 91, 120 USPQ 192 (CCPA 1958).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 7 and 13 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collective Designs hereinafter known as CollectiveDesigns in view of Apmatics.

Regarding claims 1, 4, 13, CollectiveDesigns discloses a system and method for providing home plans over the internet. CollectiveDesigns website states that “Collective Designs features along with it's own inventory, a collection of home plans from leading architects and designers though-out the United States and Canada. Here you'll find new and exciting home designs as well as the finest selection of time-proven stock plans from across North America.” To find a home design at the CollectiveDesigns website, customer submits a query with their selection criteria (access Home Plan Search web page). CollectiveDesigns displays the list of selected home designs that meet customer's selection criteria. Customer can select a home design from the list to get additional information on the design. CollectiveDesigns discloses that that its design plans include

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- o Detailed Floor Plan
- o Electrical Layout
- o Foundation Plan
- o Exterior Elevations
- o Interior Elevations
- o Building Sections and Construction Details
- o Some but not all - Roof Plan
- o Customers may also select additional options:
 - Additional sets of plans
 - Mirror reversed
 - Study prints "

In addition CollectiveDesigns discloses that customers can make revisions to the design plans. CollectiveDesigns states that "For a small fee you can add a room, change the exterior design, add more or less square foot, etc. If you are interested in making revisions to a particular plan just send us your modification via e-mail.". It would have been obvious to a person with ordinary skill in the art that CollectiveDesigns has system and method to alter their design to meet customer preferences and modifications. CollectiveDesigns does not disclose modifying the drawings on a computer. However, it is a business decision on how CollectiveDesigns creates or modifies designs. In addition, it is known at the time of invention to a person with ordinary skill in the art that CAD programs were available to create drawings (e.g. AutoCAD, Visio etc.). APmatics discloses system and method to add command functions which automate or otherwise facilitate tasks requiring numerous steps using standard CAD commands, prepared to suit the specific requirements of a

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company that employs computer drafting. APmatics makes available readily downloadable and custom, made-to-order CAD command and drawing management applications. APmatics states that "Simplifying routinely performed cumbersome tasks results in savings of time, reduced fatigue, and more effective use of your computer's capabilities towards improved productivity". Therefore, it would have been obvious to a person with ordinary skill in the art to use computer to create or modify drawings to simplify the drawing process, save cost etc.

CollectiveDesigns discloses to provide Materials List which details the quantities, type and size of materials need to build home.

Regarding claims 2, 12, CollectiveDesigns website states that "Collective Designs features along with it's own inventory, a collection of home plans from leading architects and designers though-out the United States and Canada. Here you'll find new and exciting home designs as well as the finest selection of time-proven stock plans from across North America." To find a home design at the CollectiveDesigns website, customer submits a query with their selection criteria (access Home Plan Search web page). CollectiveDesigns displays the list of selected home designs that meet customer's selection criteria. Customer can select a home design from the list to get additional information on the design. CollectiveDesigns does not disclose using database. However, it would have been obvious to a person with ordinary skill in the art

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to use a file system like a indexed files, database etc. to manage data and make the data easier to retrieve.

Regarding claim 3, CollectiveDesigns discloses to offer plurality of home designs to their customers. CollectiveDesigns states that "For a small fee you can add a room, change the exterior design, add more or less square foot, etc. If you are interested in making revisions to a particular plan just send us your modification via e-mail." (design based on customer requirements).

Regarding claim 5, CollectiveDesigns discloses to provide home plan specifications and details.

Regarding claims 6 – 7, 14 – 15, CollectiveDesigns discloses that it provides Materials List for the plan. Their materials list "details the quantity, type and size of materials needed to build your home. (This list is helpful in acquiring an accurate construction estimate.)". CollectiveDesigns does not disclose that it will do project management for the customer. However, Collective design suggests that its customers can hire a general contractor to manage the project. "For a new home, a general contractor (GC) will usually pay off in numerous ways. The GC will plan the project, hire

competent subcontractors, avoid costly errors, and save the homeowner lots of time". Therefore, it is known at the time of invention to a person with ordinary skill in the art to provide project management services to their customers to generate additional revenue.

Claims 8 – 11 and 16 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collective Designs hereinafter known as CollectiveDesigns in view of Apmatics in further view of Choo-Choo Build-It Mart hereinafter known as ChooChoo.

Regarding claim 8, 16, CollectiveDesigns does not disclose to prepare an estimate. ChooChoo disclose a system and method to sell building material over the internet. ChooChoo offers estimates on projects. In addition ChooChoo discloses to have online quotes and orders. ChooChoo gives pricing confirmation via phone or email to their customers. Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to provide estimates to customers to help them in arranging for financing to start the project.

Regarding claims 9 – 11, 17 – 19, CollectiveDesigns system and method allows the customer to retrieve and view home plans over the internet. CollectiveDesigns does not disclose that it will do project planning for the customer. However, Collective design

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suggests that its customers can hire a general contractor to manage the project. "For a new home, a general contractor (GC) will usually pay off in numerous ways. The GC will plan the project, hire competent subcontractors, avoid costly errors, and save the homeowner lots of time". The GC keeps the owner (customer) informed about the progress of the construction project to keep them updated and also to help them arrange for upcoming payments (construction loans have funds disbursed to borrower during construction). It is known at the time of invention to a person with ordinary skill in the art that project managers create project plans to manage the projects (Microsoft Project is one of the software that project managers can use to track resources, timeline, costs etc.). Updated project plans can be electronically provided to the responsible team members to show the current status of the project. Therefore, it is known at the time of invention to a person with ordinary skill in the art to provide project planning services to their customers to help them save cost (for example, if the rough in plumbing is not completed, a project manager will delay pouring concrete for the foundation).

Additionally, neither CollectiveDesigns nor ChooChoo disclose to have video camera at the construction. It is known at the time of invention to a person with ordinary skill in the art that video surveillance has been in use for security reasons (for example, banks have video camera installed in their branches for surveillance). Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to install video camera at the construction site to monitor progress and prevent theft.

Claims 20 - 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collective Designs hereinafter known as CollectiveDesigns in view of Gwen Lowery.

Regarding claims 20 – 22, CollectiveDesigns discloses a system and method for providing home plans over the internet. CollectiveDesigns website states that “Collective Designs features along with it's own inventory a collection of home plans from leading architects and designers though-out the United States and Canada. Here you'll find new and exciting home designs as well as the finest selection of time-proven stock plans from across North America.” To find a home design at the CollectiveDesigns website, customer submits a query with their selection criteria (access Home Plan Search web page). CollectiveDesigns displays the list of selected home designs that meet customer's selection criteria. Customer can select a home design from the list to get additional information on the design. CollectiveDesigns does not disclose creating project plans for the project, and showing dependencies between the tasks. Glen Lowery discloses that Microsoft Project can be used to keep track of project information. Project Manager (general contractor) enters list of task and available resources, and, assigns resources to the tasks in Microsoft Project to create a project plan. Tasks can be independent, or, they can be linked to create dependency (next task will begin after the completion of preceding task). Project Manager updates the project plan by updating the progress of each task. Project Manager can look at the Tracking Gantt

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chart to compare "current schedule to the original schedule after the project is under way and you (project manager) have entered information about progress on tasks (sample on page 23 of the book, attached)". In addition, Glen Lowery says that the PERT Chart (available on Microsoft Project) show each task with the lines between them indicating the relationship between the task. "Use the PERT Chart to see the dependencies between the tasks in your project". Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to use project management software in CollectiveDesigns to expand their business in construction services and have the current project status readily available for the customer (for example, when a customer gets a construction loan, banks may make the loan payments based upon the milestone).

Additionally, neither CollectiveDesigns nor Gwen Lowery disclose to have video camera at the construction. It is notoriously known that video surveillance has been in use for security reasons (for example, banks have video camera installed in their branches for surveillance). Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to install video camera at the construction site to monitor progress and prevent theft.

Claims 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collective Designs hereinafter known as CollectiveDesigns in view of Apmatics. *R2*

Regarding claim 23, CollectiveDesigns does not disclose using database.

However, it would have been obvious to a person with ordinary skill in the art to use a file system like a indexed files, database etc. to manage data and make the data easier to retrieve.

CollectiveDesigns does not disclose to authenticate the user. However, it is known at the time of invention to a person with ordinary skill in the art that user authentication is used to protect user privacy, prevent unauthorized use of the information on the system etc., for example, online banking, online stock trading etc.

CollectiveDesigns discloses that it provides Materials List for the plan. Their materials list "details the quantity, type and size of materials needed to build your home. (This list is helpful in acquiring an accurate construction estimate.)". Customers can make revisions to the design plans. CollectiveDesigns states that "For a small fee you can add a room, change the exterior design, add more or less square foot, etc. If you are interested in making revisions to a particular plan just send us your modification via e-mail."

CollectiveDesigns does not disclose modifying the drawings on a computer. However, it is a business decision on how CollectiveDesigns creates or modifies designs. In addition, it is known at the time of invention to a person with ordinary skill in the art that CAD programs were available to create drawings (e.g. AutoCAD, Visio etc.). APmatics discloses system and method to add command functions which automate or

otherwise facilitate tasks requiring numerous steps using standard CAD commands, prepared to suit the specific requirements of a company that employs computer drafting. APmatics makes available readily downloadable and custom, made-to-order CAD command and drawing management applications. APmatics states that "Simplifying routinely performed cumbersome tasks results in savings of time, reduced fatigue, and more effective use of your computer's capabilities towards improved productivity". Therefore, it would have been obvious to a person with ordinary skill in the art to use computer to create or modify drawings to simplify the drawing process, save cost etc.

CollectiveDesigns discloses to provide Materials List which details the quantities, type and size of materials need to build home.

Regarding claim 26, CollectiveDesigns does not disclose to prepare an estimate. ChooChoo disclose a system and method to sell building material over the internet. ChooChoo offers estimates on projects. In addition ChooChoo discloses to have online quotes and orders. ChooChoo gives pricing confirmation via phone or email to their customers. Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to provide estimates to customers to help them in arranging for financing to start the project.

Claims 24 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collective Designs hereinafter known as CollectiveDesigns in view of Apmatics in further view of Choo-Choo Build-It Mart hereinafter known as ChooChoo.

Regarding claims 24 – 25, CollectiveDesigns discloses that it provides Materials List for the plan. Their materials list “details the quantity, type and size of materials needed to build your home. (This list is helpful in acquiring an accurate construction estimate.)”. CollectiveDesigns does not disclose that it will do project management for the customer. However, Collective design suggests that its customers can hire a general contractor to manage the project. “For a new home, a general contractor (GC) will usually pay off in numerous ways. The GC will plan the project, hire competent subcontractors, avoid costly errors, and save the homeowner lots of time”. Therefore, it is known at the time of invention to a person with ordinary skill in the art to provide project management services to their customers to generate additional revenue.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Project Management Basics
2. Visio Technical 5.0 Plus Beta Preview
3. Working With Numbers
4. Information on PlansPDQ
5. Bill Of Material Posting
6. REALTRAC Announces Enhanced Bill Of Material Function

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone number for the organization where this application or proceeding is assigned is 703.305.7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

12 November 2003
Naresh Vig


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600